

COURTROOM MINUTES OF CRIMINAL PROCEEDINGS
Norfolk/Newport News Division

SENTENCING MINUTESSet: 2:30 p.m.Started: 2:30 p.m.Ended: 4:25 p.m.Date: July 2, 2013Judge: Mark S. DavisCourt Reporter: Paul McManusU.S. Attorney: Amy CrossDefense Counsel: Richard DrummerCourtroom Deputy: Valerie A. WardProbation Officer: Darryl Upshur

Interpreter: _____

Case No. 2:12cr185Defendant: Keith Taylor() in custody (☒) on bond☒ Came on for disposition. ☒ Deft. sworn.

____ Govt/Deft's _____ motion for downward departure.

____ motion for one-level reduction in offense level.

____ Granted. _____ Denied.

☒ The Court adopts the factual statements contained in the Presentence Report☒ Presentence Report reviewed. ☒ Objections heard and rulings made.

____ Evidence presented. (Witnesses and exhibits listed on last page)

☒ Arguments of counsel heard. ☒ Statement of deft. heard.The Court made a finding of GUILTY as to Count 1.IMPRISONMENT:

SENTENCE: Count 1: The deft. shall be committed to the custody of the BOP to be imprisoned for a total term of 135 months. The term consists of _____ months on count _____, a term of _____ months on count _____, a term of _____ months on count _____, and a term of _____ months on count _____, to be served concurrently/consecutively.

☒ The deft. is remanded to the custody of the U.S. Marshal.

____ The deft. shall surrender for service of the sentence at the institution designated by the BOP/U.S. Marshal before _____ on _____, as notified by the U.S. Marshal.

____ If deft. is unable to arrange transportation to the designated institution, the United States Marshal will arrange transportation for the defendant.

____ If the defendant is not notified by the United States Marshal of the institution designated, the defendant shall report to the United States Marshal at 600 Granby Street, Norfolk, VA, by _____ on _____, to begin service of the sentence.

PROBATION:

____ The deft. shall be placed on probation for a term of _____ years.

SUPERVISED RELEASE:

✓ Upon release from imprisonment, the deft. shall be on supervised release for a term of 3 year(s). This term consists of ____ years on count ____, a term of ____ years on count ____, and a term of ____ years on count ____, all to run concurrently.

Standard Conditions of Supervised/Probation:

The defendant shall report in person to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

While on supervised release, the defendant shall not commit another federal, state, or local crime.

While on supervised release, the defendant shall not illegally possess a controlled substance.

While on supervised release, the defendant shall not possess a firearm, destructive device, or any other dangerous weapon.

✓ The deft. shall refrain from any unlawful use of a controlled substance and submit to one drug test within 15 days of release on supervised release and at least two periodic drug tests thereafter, as directed by the probation officer.

____ As reflected in the presentence report, the deft. presents a low risk of future substance abuse and therefore, the court hereby suspends the mandatory condition for substance abuse testing as defined by 18 USC 3563 (a)(5). However, this does not preclude the U.S. Probation Office from administering drug tests as they deem appropriate.

____ It shall be a condition of supervised release that the deft. pay any such fine or restitution that remains unpaid at the commencement of the term of supervised release in accordance with the Schedule of Payments set forth in the Criminal Monetary Penalties sheet of this judgment.

Special Conditions of Supervised Release/Probation:

✓ *test positive for illegal drugs*
The deft. shall participate in a program approved by the United States Probation Office for substance abuse, which program may include residential treatment and testing to determine whether the deft. has reverted to the use of drugs or alcohol, with partial costs to be paid by the deft., all as directed by the probation officer.

✓ The deft. shall waive all rights of confidentiality regarding substance abuse treatment in order to allow the release of information to the United States Probation Office and authorize communication between the probation officer and the treatment provider.

____ The deft. shall participate in a program approved by the United States Probation Office for mental health treatment to include anger management. The cost of this program is to be paid by the defendant as directed by the probation officer. The deft. shall waive all rights of confidentiality regarding substance abuse treatment in order to allow the release of information to the United States Probation Office and authorize communication between the probation officer and the treatment provider.

FINANCIAL PENALTIES

☒ Court finds deft. is unable to pay fine, cost of prosecution, cost of imprisonment or supervised release.

SPECIAL ASSESSMENT:

☒ As to count 1, the deft. shall pay a special assessment in the amount of \$100.

As to count _____, the deft. shall pay a special assessment in the amount of _____.

As to count _____, the deft. shall pay a special assessment in the amount of _____.

As to count _____, the deft. shall pay a special assessment in the amount of _____.

The total special assessment due is \$100 and shall be due in full immediately.

FINE:

_____ The deft. shall pay a fine in the amount of \$ _____.

RESTITUTION:

_____ The deft. shall make restitution in the amount of \$ _____.

_____ Restitution Judgment Order, entered and filed in open court.

SCHEDULE OF PAYMENTS:

_____ Interest will not accrue if the special assessment/fine/restitution is paid in accordance with the schedule, or any modified schedule, set by this court.

☒ The special assessment/~~fine~~/~~restitution~~ is due and payable immediately. Any balance remaining unpaid on the special assessment/~~fine~~/~~restitution~~ at the inception of supervision, shall be paid by the deft. in installments of not less than \$ 50 per month, until paid in full. Said payments shall commence 60 days after deft's supervision begins.

☒ At the time supervision commences, the probation officer shall take into consideration the defendant's economic status as it pertains to his ability to pay the special assessment/~~fine~~/~~restitution~~ ordered and shall notify the court of any change that may need to be made to the payment schedule.

_____ Each restitution payment shall be divided proportionately among the payees named.

_____ Restitution shall be made jointly and severally with _____

☒ Nothing in the Court's order shall prohibit the collection of any judgment by the United States.

☒ Any special assessment, restitution, or fine payments may be subject to penalties for default and delinquency.

☒ Since this judgment imposes a period of imprisonment, payment of Criminal Monetary penalties shall be due during the period of imprisonment. All criminal monetary penalty payments are to be made to the Clerk, United States District Court, except those payments made through the Bureau of Prisons' Inmate Financial Responsibility Program.

☒ The deft. shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid.

☐ The deft. notified of right of appeal.

☒ Court noted that deft. waived right of appeal in plea agreement.

☐ On motion of gov't, remaining counts dismissed.

☐ The deft. is continued on present bond and cautioned re bail jumping.

☒ Court recommends incarceration at

☒ a facility as close to the *Bulmer facility* ~~Tidewater Virginia~~ area as possible.

☒ a facility with a drug treatment program when and if defendant qualifies.

("RDAP")

☒ Consent Order of Forfeiture, executed and filed in open court.

Additional Counts/Comments:
